



Docket No. 6005-4018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Jean-Gerard Saint-Ramon, et al.

Group Art Unit: 3762

Serial No.: 09/462,746

Examiner: Deak, Leslie R.

Filed: January 12, 2000

For: POUCH FOR PACKAGING LIQUIDS FOR ARTIFICIALLY INSEMINATING ANIMALS

AMENDMENT FEE TRANSMITTAL

Commissioner for Patents

Washington, DC 20231

Sir:

Transmitted herewith is an Amendment for the above-identified application.

No additional fee is required.

The additional fee has been calculated as shown below:

CLAIMS AS AMENDED

	Claims Remaining After Amendment	Highest No. Covered by Previous Payments	Extra	Rate	Additional Fee
Total Claims*	-			\$18.00/ \$9.00	\$
Independent Claims	-			\$84.00/ \$42.00	\$
Multiple Dependent Claims	(If claims added by amendment include Multiple Dependent Claim(s) and there was no Multiple Dependent Claim(s) in application before amendment add \$280.00 to additional fee (\$140.00 for small entity).)				
					TOTAL \$

*Includes all independent and single dependent claims and all claims referred to in multiple dependent claims. See 37 C.F.R. §1.75(c).

Small entity status is or has been claimed.
Reduced Fees Under 37 C.F.R. §1.9(f) paid herewith \$

- _____ Pages Sequence Listing
- _____ Computer disk(s) containing substitute Sequence Listing
- Statement under 37 C.F.R. §1.825(b) that the computer and paper copies of the substitute Sequence Listing are the same.
- A check in the amount of \$_____ to cover the filing fee is attached.
- Charge fee to Deposit Account No. 13-4500, Order No. _____. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.
- The Commissioner is hereby authorized to charge any additional fees which may be required for filing this amendment, including all fees pursuant to 37 CFR §1.17 for its timely consideration, or credit any overpayment to Deposit Account No. 13-4500, Order No. 6005-4018. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 30, 2003

By:



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AMENDMENT AFTER FINAL REJECTION

Box AF

Commissioner for Patents
Washington, DC 20231

Sir:

This is in response to the Office Action dated November 2, 2002 making final the rejection of Claims 1-21. Reconsideration of this application in view of the following remarks and amendment of the application is respectfully requested.

As now claimed, applicants' invention is directed to a pouch for packaging liquids for artificially inseminating animals, comprising two thermoplastics material films welded together by a weld delimiting a pouch along a closed path of generally rectangular shape defining two shorter sides and two longer sides when the pouch is empty, the weld providing a first one of the shorter sides comprising a first interruption, the first interruption defining a filler passage between said thermoplastics material films, the second one of the shorter sides comprising a second interruption, the second interruption defining a drain passage between said thermoplastic material films wherein said drain passage is closed before use by sealing means

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extending across the second interruption and joining the two thermoplastic material films.

In view of the Amendment filed (via express mail) on August 15, 2002, all previous rejections of record in the Office Action dated March 15, 2002 have been withdrawn. The present Office Action has entered a number of new rejections under 35 U.S.C. §103(a) over a combination that always includes U.S. Patent No. 6,079,184 to Cassou (“Cassou ‘184”) and U.S. Patent No. 6,149,579 to Lee. Thus, Claims 1, 5 and 17-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Cassou ‘184 in view of Lee; Claims 2-4, 8-10 and 14-16 have been rejected under 35 U.S.C. §103(a) over Cassou ‘184 in view of Lee, further in view of U.S. Patent No. 2,648,463 to Scherer; and Claims 11-15 and 20-21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Cassou ‘184 in view of Lee, further in view of U.S. Patent No. 4,804,363 to Valeri. All of these new ground of rejection depend on the application of Lee, newly cited in the Office Action dated November 2, 2002.

The Office Action acknowledges that Cassou ‘184 “fails to disclose a second interruption on the opposite end of the first interruption in the weld.” Thus, Cassou ‘184 is clearly deficient alone. The Office Action relies on Lee to address this acknowledged deficiency of Cassou ‘184 in all of the new grounds of rejection. Such reliance is improper.

Lee is not a proper reference against the claims herein. Lee’s filing date is November 30, 1998. Thus it is a reference for purposes of 35 U.S.C. §102(e)/103(a) only if the present application is not entitled to a priority date prior to November 30, 1998. In fact, applicants’ are entitled to a priority date of May 20, 1998, before the filing date of Lee. Therefore Lee is not prior art with respect to the present application and the grounds of rejection of record improperly depend on Lee to address a deficiency of the primary reference, Cassou ‘184. Such deficiency is not taught or suggested by Scherer or Valeri or any of the other

references of record.

Submitted herewith is a sworn translation of the priority document for the subject U.S. patent application, French Patent Application No. 98/06,393 filed May 20, 1998. Applicants respectfully submit that they are entitled to the benefit of the priority date of this France Patent Application under 35 U.S.C. §119, having claimed such benefit in the Declaration and Power of Attorney executed by the applicants and filed with the application.

Moreover, the sworn English translation establishes applicants' right to the priority of the filing date of this French Patent Application because it clearly supports Claims 1-21, as shown in the Table below.

Claim Language	Support in French Patent Application
1. A pouch for packaging liquids for artificially inseminating animals, comprising two thermoplastics material films welded together by a weld delimiting a pouch along a closed path of generally rectangular shape defining two shorter sides and two longer sides when the pouch is empty, the weld providing a first one of the shorter sides comprising a first interruption, the first interruption defining a filler passage between said thermoplastics material films, the second one of the shorter sides comprising a second interruption, the second interruption defining a drain passage between said thermoplastic material films wherein said drain passage is closed before use by sealing means extending across the second interruption and joining the two thermoplastic material films.	Claim 1; p.1, lines 19-29; p.2, lines 18-21; p.2, line 24 through p.3, line 2; and p.4, line 33 through p.5, line 9.
2. A pouch according to claim 1, wherein at least one of the two thermoplastics material films has a peelable area in the region through which the drain passage extends.	Claim 2; p.2, lines 18-23; p.2, line 34 through p.3, line 2; and p.5, lines 31-35.
3. A pouch according to claim 2, wherein the peelable area includes a sealing and	Claim 3; and p. 3, lines 3-5.

peelable material.	
4. A pouch according to claim 3, wherein the sealing and peelable material is wax.	Claim 4; and p. 3, lines 3-5.
5. A pouch according to claim 1, wherein the drain passage is extended by a flare.	Claim 5; and p.3, line 6.
6. A pouch according to claim 1, wherein said two thermoplastics material films are offset relative to each other in the region through which the drain passage extends.	Claim 6; and p.3, lines 9-11.
7. A pouch according to claim 6, wherein the offset is approximately 2 to 3 mm.	Claim 7; and p. 3, lines 10-12
8. A pouch according to claim 1, being at least partially filled with a liquid, wherein the drain passage has been sealed in a sealing area, the sealing area being within said peelable area, and substantially transverse to the axis of the drain passage.	Claim 8; p.3, lines 13-18; and p.2, lines 18-21
9. A pouch according to claim 8, wherein the sealing area has a triangle shape in cross section.	Claim 9; p.3, lines 19-20; and p.6, lines 1-4.
10. A pouch according to claim 8, wherein the sealing area has an inverted V-shape in cross section.	Claim 10; p.3, lines 19-20; and p.6, lines 1-4.
11. A pouch according to claim 1, wherein part of the thermoplastics films constitutes a colored part.	Claim 11; and p.3, lines 29-32.
12. A pouch according to claim 11, wherein the colored part includes an identifier.	Claim 12; and p.3, lines 32-33.
13. A pouch according to claim 1, wherein part of the thermoplastics films constitutes a marking area.	Claim 13; and p.4, lines 4-7.
14. A pouch according to claim 11, wherein the marking area includes an identification marking.	Claim 14; and p.4, lines 4-7.
15. A pouch according to claim 14, comprising transparent film forming at least a portion of the pouch, wherein the identification marking is adapted to be seen through the transparent film.	Claim 15; and p.4, lines 8-10.
16. A pouch according to claim 1, wherein at least one of the two thermoplastics material films has a peelable area in the region through which the filler passage extends.	
17. A pouch according to claim 1, containing a biologic liquid that can be used for artificial insemination.	Claim 16; and p.4, lines 11-16.

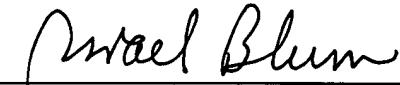
18. A pouch according to claim 17, wherein the liquid usable for artificial insemination is chosen from animal semen, media and diluting agents..	Claim 17; and p.4, lines 14-16.
19. A pouch according to claim 18, wherein the liquid is pig sperm.	Claim 18; and p.4, line 11.
20. Use of a pouch according to claim 11 in which the color identifies a breed of pig.	Claim 19; and p.3, line 34 through p.4, line 3.
21. Use of a pouch according to claim 14 in which the identification marking identifies a breed of pig.	Claim 20; and p.4, lines 11-13.

In light of the foregoing remarks, applicants respectfully submit that Claims 1-21 define patentable subject matter over the cited prior art, considered alone or in combination. An early allowance of the Claims 1-21 is earnestly solicited.

Respectfully submitted,
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Dated: January 30, 2003

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